

In the Supreme Court of the State of Alaska

Smallwood Creek, Inc.,
Appellant,

v.

**Build Alaska General Contracting,
LLC, Lexon Insurance Company, and
Western National Mutual Insurance
Company,**
Appellees.

Supreme Court No. S-17774

Notice Printing of Briefs

Date of Notice: **12/1/2020**

Trial Court Case No. **4FA-19-02428CI**

The Appellant's brief submitted on 11/4/2020 and the excerpt on 11/30/2020 in the above case has been **CONDITIONALLY** accepted.

The brief must contain Authorities Principally relied on in the brief, AR212(c)(1)(C).

In the argument section, every factual assertion must be supported by a citation to the excerpt or record, AR212(c)(1)(I). The argument section still has a few statement lacking support.

1. BAGC's interests in the subcontract was to get enough (12)
2. Without equipment needed to operate (18)
3. The Totem opinion does not say Totem had to file for Bankruptcy (18)
4. BAGC's 120 day bar (there is no such rule) (20)
5. BAGC's asking Smallwood for signed truck delivery tickets (20)
6. Accord and satisfaction cases (21)
7. Here, the note on the January 7, 2019, check (22)
8. Wording on the check did not include (23)
9. If Smallwood's Benson had thought (23)

10. Viewed in light most favorable to Smallwood (24)
11. Until BAGC had received all material it needed (25)

The brief is being returned for printing under Appellate Rule 212(a)(2). Please use the following guidelines for the printing and distribution of the brief.

1. Brief Cover Color: **Appellant's brief cover must be ivory**
Excerpt cover must be pink
2. Please print two-sided copies.
3. Please mail **two** printed copies of the brief and **one** copy of the excerpt to each counsel of record.
4. Please deliver to this office by **12/11/2020**, **ten** printed copies of the brief and **eight** printed copies of the excerpt.

NOTE: Counsel residing outside of Anchorage must mail the printed briefs using FIRST CLASS MAIL.

Clerk of the Appellate Courts



Beth A. Pechota, Deputy Clerk

Distribution:

Email:
Wickwire, Thomas R.
Sparks, Robert A.
Ruedy, Jason J.